

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In re:

CAPSTONE PEDIATRICS, PLLC,

Debtor.

Chapter 7

Case No. 19-01971-RM3-7

**STIPULATION FOR AN ORDER DEEMING CERTAIN PROPERTY ABANDONED
AND TERMINATING THE AUTOMATIC STAY**

It is hereby stipulated by, on the one hand, CubeSmart L.P. (“CubeSmart”), and on the other hand, Michael Gigandet, as trustee of the above-captioned chapter 7 bankruptcy case (the “Trustee”), through their undersigned counsel, as follows:

BACKGROUND

1. On March 28, 2019 (the “Petition Date”), Capstone Pediatrics, PLLC (the “Debtor”) filed a voluntary petition under chapter 11 of the Bankruptcy Code.
2. On November 5, 2020, the case was converted to a chapter 7 proceeding and the Trustee was appointed to administer the Debtor’s bankruptcy case.
3. CubeSmart is a post-petition secured creditor in this case.
4. The Debtor entered into a lease for non-residential storage property at a CubeSmart location at 1058 Murfreesboro Pike, Nashville, Tennessee 37217, Cube Number E0493-97 (the “First Storage Unit”) on May 25, 2017.
5. The Debtor entered into a second lease for non-residential storage property at the same CubeSmart location, Cube Number 10661 (the “Second Storage Unit”) on June 8, 2017.

6. Since the Petition Date, the Debtor has continued to occupy the First Storage Unit and the Second Storage Unit without making any post-petition payments to CubeSmart and has accrued more than \$22,000 in post-petition rent (the “Post-Petition Rent”).

7. Under Tennessee law, CubeSmart holds a statutory lien on the contents of the First Storage Unit and Second Storage Unit (collectively, the “Property”) to secure unpaid rent, including the Post-Petition Rent.

8. Accordingly, by this Stipulation, the Trustee and CubeSmart wish to formalize their agreement by which (a) the Trustee will abandon any interest of the Debtor’s estate in the CubeSmart leases and Property and (b) CubeSmart may be granted relief from the automatic stay.

THE RELIEF REQUESTED AND THE REASONS THEREFOR

9. The Background set forth above is incorporated here by reference.

10. Upon the approval of this Stipulation by the Court, the Property will be deemed abandoned and the automatic stay shall be terminated, allowing CubeSmart to exercise any and all rights they may have against the Property and the First Storage Unit and the Second Storage Unit.

11. The parties agree that this Stipulation may be executed in counterparts and respectfully request that the terms set forth herein be approved as an Order of this Court.

LAW OFFICE OF MICHAEL GIGANDET
Counsel for Michael Gigandet, as Chapter 7
Trustee

/s/ Michael Gigandet

Dated: November 9, 2021

By: _____
Michael Gigandet, Esquire
208 Centre Street
Pleasant View, TN 37146
Telephone: (615) 746-4950

KLEHR HARRISON HARVEY
BRANZBURG LLP
Counsel for CubeSmart Self Storage

/s/ Christopher J. Leavell

Dated: November 9, 2021

By: _____
Christopher J. Leavell, Esquire
1835 Market Street, Suite 1400
Philadelphia, PA 19103
Telephone: (215) 569-3393

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed on November 9, 2021. Notice of the filing will be sent by operation of the Court's Electronic Filing System on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ Michael Gigandet

Michael Gigandet, Trustee